

ASSEMBLY BILL

No. 1077

Introduced by Assembly Member Chan

February 22, 2005

An act to add Section 49452.7 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1077, as introduced, Chan. Pupil health.

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or guardian having control or charge of any child enrolled in the public schools to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an examination of his or her child. Existing law exempts a child from physical examinations once such a statement is filed with the principal.

This bill would require pupils enrolled in kindergarten, a public, or private school to present proof of having received while in kindergarten, grade 2, and grade 6, an oral health assessment by a dentist or dental hygienist before May 15 of the respective school year. This bill would allow the parent or guardian having control or charge of any child enrolled in a private school to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an oral health assessment. This bill would exempt any pupil at a private or parochial school from the assessment requirement once such a statement is filed. By requiring schools to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Oral health is integral to overall health.

4 (b) Tooth decay is the most common chronic childhood
5 disease, experienced by more than two-thirds of California's
6 children and five times more common than asthma.

7 (c) California's schoolchildren, ages 6 to 8, inclusive,
8 experience oral disease at twice the rate of schoolchildren in
9 other states.

10 (d) Oral diseases are infectious, are not self-limiting,
11 contribute to many lost school hours, negatively impact learning,
12 interfere with eating, contribute to poor self-esteem, and can
13 cause considerable pain.

14 (e) Tooth decay is 100 percent preventable.

15 SEC. 2. Section 49452.7 is added to the Education Code, to
16 read:

17 49452.7. (a) Pursuant to rules adopted by the State
18 Department of Health Services, and subject to Section 49451, a
19 pupil attending a public or private school shall present proof of
20 having received, while in kindergarten, grade 2, and grade 6, an
21 oral health assessment by a dentist or dental hygienist before
22 May 15 of each school year.

23 (b) If a pupil fails to present proof of an assessment by May 15
24 of each respective school year, the school may withhold his or
25 her report card until one of the following occurs:

26 (1) The pupil presents proof of a completed assessment.

1 (2) The pupil presents proof that he or she cannot obtain an
2 assessment because of undue financial burden or lack of access
3 to a dentist or hygienist.

4 (c) All public and private schools shall notify the parents or
5 guardians of pupils enrolled in kindergarten, grade 2, and grade 6
6 concerning the assessment requirement at the beginning of each
7 school year.

8 (d) Upon receiving completed assessments from pupils, all
9 public and private schools shall forward the assessments to the
10 Office of Oral Health of the Chronic Disease Control Branch of
11 the State Department of Health Services.

12 (e) The parent or guardian having control or charge of any
13 child enrolled in a private school may file with the principal of
14 the school in which the child is enrolled a statement in writing,
15 signed by the parent or guardian, stating that he or she will not
16 consent to an oral health assessment. Thereupon, the child shall
17 be exempt from presenting proof of a completed assessment, but
18 whenever there is good reason to believe that the child is
19 suffering from a recognized contagious or infectious disease, he
20 or she shall be sent home and shall not be permitted to return
21 until the school authorities are satisfied that any contagious or
22 infectious disease does not exist.

23 SEC. 3. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.